



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Smith
Serial No. 10/568,176
Filed: November 30, 2006
For: METHODS OF TREATING VIRAL
INFECTIONS

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Examiner: Zachariah Lucas

Art Unit: 1648

Petition for Suspension of Prosecution (37 CFR 1.103(a))

Assistant Commissioner for Patents
MAIL STOP After-Final
P.O. BOX 1450
ALEXANDRIA, VA 22131-1450

Dear Sir:

Applicant hereby petitions the commission to suspend prosecution in the above entitled application for a period of 6 months.

C.F.R. 1.103(a) provides for the suspension of prosecution in an application for good and sufficient cause.

In the instant application, applicant has filed a response to the outstanding Final rejection issued October 22, 2008. In addition, applicant has filed a Request for Continuing Examination.

In the most recent Office action, the Examiner has suggested that evidence demonstrating unexpected results over the prior art might be appropriate and relevant to the question of obviousness. Applicant is investigating the feasibility and costs relating to possible animal studies which would demonstrate the results alleged in the application. Such animal studies do take time and applicant would like to put such evidence before the Examiner prior to further action in the application.

Therefore a six (6) month suspension is requested in order to permit the

determination of whether the studies can be made and if possible to carry out the testing. This testing was discussed with the Examiner in an interview held at the USPTO on January 15, 2009. The Examiner will be informed once a decision is made to go forward with the comparative studies.

Applicant therefore requests that prosecution be suspended for a period of six (6) months. The fee for this petition should be charged to the Deposit Account No. 503321.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

By: Sam Zaghmout

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(Registration No. 51,286)

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